THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 24892 OF 2006

Dated 22nd December, 2006

Between:
K.Balaji

… Petitioner

And

The Jawaharlal Nehru Technological University, represented by its Registrar, Kukatpally, Hyderabad and another.

…Respondents

ORAL ORDER:

The petitioner seeks a declaration that the action of the respondents in not allowing him to appear for the 3rd Semester examinations of M.C.A. Course comprising Practicals and Theory scheduled from 29.11.2006 to 30.11.2006 and 04.12.2006 to 13.12.2006 is illegal and arbitrary.

In the counter affidavit filed on behalf of the 1st respondent-University, it is stated that as much as the petitioner did not fulfil the attendance criterion, he was not allowed to write the examinations. It is stated that the petitioner had attended 153 classes out of 320 classes conducted by the college in the 3rd semester of M.C.A, thus, putting the attendance of only 47.8% as against the required attendance of 75%.

As per the academic regulations of the University minimum attendance of 75% is required to be eligible to appear for the examinations and there is a provision to condone the shortage of attendance only up to 10% in appropriate cases. In that view of the matter, unless one puts in minimum attendance of 65%, he is not eligible to seek for condonation of shortage of attendance, thereby, entitling him to appear for the examinations. Therefore, as the petitioner has put in only 47.8% of attendance, less than the condonable limit, it cannot be said that the action of the respondents in not allowing the petitioner to appear for examinations is arbitrary or illegal. A Division Bench of this Court in **M.S.Chakravarthy v. Prl., Sreekalahasteeswara Institute of Technology**[1] has held

that something, which is prohibited by regulations, cannot be subject matter of mandamus.

The writ petition is devoid of merits and is accordingly dismissed. No costs.

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22.12.2006

R.SUBHASH REDDY, J.

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[1] 2005(1)ALD 253 (DB(